

E-FILED on 1/30/08

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re PALM TREO 600 and 650 LITIGATION

**Master File No. C-05-03774 RMW**

This Document Relates To:

GANS, C-05-03776

ORDER RE: JONATHAN SHUB'S MOTION  
TO WITHDRAW AS COUNSEL FOR  
PLAINTIFF RICHARD GANS

**[Re Docket Nos. 54]**


On December 19, 2007 Jonathan Shub filed a motion to withdraw as counsel for plaintiff Richard Gans. On January 25, 2008, the court held a hearing on the motion to withdraw. Gans did not appear at the hearing or otherwise oppose the motion.

At the hearing, the court indicated that it would grant Shub's motion to withdraw. Its tentative ruling was based in part on Shub's representations (1) that he could provide proof that Gans had been served with the motion to withdraw and (2) that Gans was represented by other counsel, namely the Lakin Law Firm and the law firm of Freed, Weiss & Flaum. Reviewing the docket after the hearing, the court notes that both firms have made an appearance in this case, however, it finds curious that fact that neither appeared on Gans' behalf at the motion to withdraw as counsel.

Accordingly, the court will defer its decision on Shub's motion to withdraw as counsel pending receipt of two items: (1) proof of timely service on Gans (and his counsel) of Shub's motion

1 to withdraw as counsel for Gans and (2) proof that Gans is represented by counsel, preferably in the  
2 form of a declaration by Gans' present counsel. Optimally, since Gans' purported present counsel  
3 has made an appearance in this matter, Shub should obtain a stipulation from Gans to substitute  
4 counsel.

5  
6  
7 DATED: 1/29/08

  
RONALD M. WHYTE  
United States District Judge

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24 **Dated:** 1/30/08

/s/ MAG  
**Chambers of Judge Whyte**